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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,055	03/18/2004	Peter J. King	1187	7277

7590

07/07/2005

Donald J. Ersler  
725 Garvens Avenue  
Brookfield, WI 53005

EXAMINER
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ORDERS, CHRISTOPHER H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/807,055	<b>Applicant(s)</b> KING, PETER J.	
	<b>Examiner</b> Christopher H. Orders	<b>Art Unit</b> 3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) 12 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on May 31, 2005. These drawings are acceptable.

### ***Response to Arguments***

2. Applicant's arguments, see "Remarks" pg. 12, filed May 31, 2005, with respect to reference numerals 12b, 15, and 37 have been fully considered and are persuasive.

The objection to the drawings has been withdrawn.

### ***Claim Objections***

3. Claims 6, 12, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 1, 7, and 13 from which claims 6, 12, and 17 depend, respectively, each recite "rotating said feed air impeller" which inherently makes the device an air compressor.

### ***Allowable Subject Matter***

4. Claims 7-17 are allowed.
5. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

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6. The indicated allowability of claims 1-6 is withdrawn in view of the newly discovered reference(s) to DeYoung et al. (6,037,684). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DeYoung et al. (6,037,684).

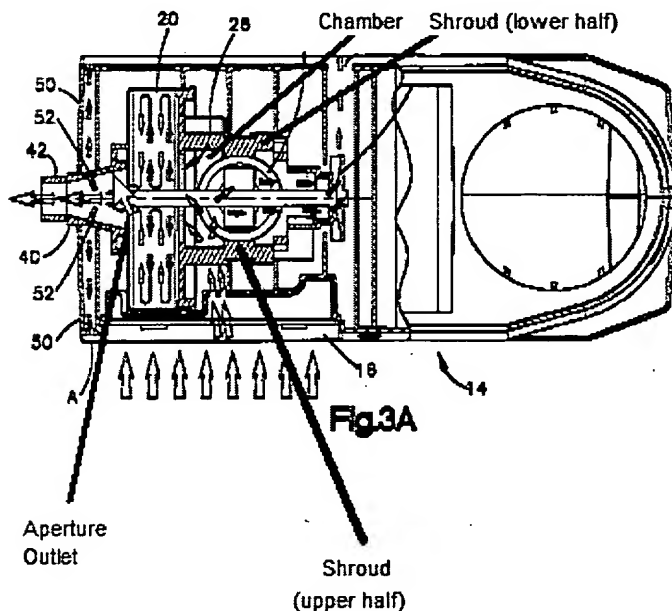
DeYoung et al. teach a method of providing a cooled blower unit, comprising the steps of: rotating a feed air impeller (22, 24) in a casing (enclosing chamber 20), said casing (enclosing chamber 20) having a casing inlet (26) and at least one aperture outlet (see annotated figure 3a below); rotating a cooling air impeller (60) at a rear of a motor (10) and said feed air impeller (22, 24) at a front thereof; providing a shroud (see annotated figure 3a below) having a chamber (see annotated diagram below) adjacent said casing (enclosing chamber 20), said motor (10) being retained in said shroud (see annotated figure 3a below), providing at least one passage from said chamber (see annotated figure 3a below) to a shroud outlet (the left most portion of the shroud) in said shroud (see annotated figure 3a below); retaining said shroud (see annotated figure 3a below) in a housing (14), forming at least one air opening (16) and a housing outlet

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(through which 40 extends) in said housing (14), said housing outlet (through which 40 extends) receiving said shroud outlet (the left most portion of the shroud); rotating said cooling air impeller (60) to draw inlet air through said at least one air opening (16), said inlet air flowing between said motor (10) and said shroud (see annotated figure 3a below), said inlet air flowing out of said shroud (see annotated figure 3a below) and said housing (14); and rotating said feed air impeller (22, 24) to draw said inlet air between said shroud (see annotated figure 3a below) and said housing (14) into said casing inlet (26) (see flow arrows, fig. 3a), said feed air impeller (22, 24) forcing air through said at least one aperture outlet (see annotated figure 3a below) to said housing outlet (through which 40 extends); providing said housing (14) with a first housing half (fig. 2) and a second housing (14) half (fig. 3b), said at least one air opening (16) and said housing outlet (through which 40 extends) being formed in a front of said first housing (14) half (fig. 2) (both are in the front portion [to the left] of the casing as viewed from fig. 2, and the housing outlet is shared between both the first and second casing halves as seen in fig. 3a and 3c); forming a recess (68) in a bottom of said second housing (14) half (fig. 3b) (when viewing the apparatus such that the second casing half is the bottom); providing said shroud (see annotated figure 3a below) with a lower shroud half (see annotated figure 3a below) and an upper shroud half (see annotated figure 3a below), forming a discharge passage (the right most portion of the shroud has a discharge passage shared between both halves) in said lower shroud half (see annotated figure 3a below), said discharge passage (the right most portion of the shroud has a discharge passage shared between both halves) communicating with said recess (68) to exhaust

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said inlet air from between said motor (10) and said shroud (see annotated figure 3a below) (see flow path arrows, fig. 3a); attaching a portion of said casing (enclosing chamber 20) to said motor (10) (fig. 1); rotating said feed air impeller (22, 24) in said casing (enclosing chamber 20) to form an air compressor.



### Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Orders whose telephone number is (571) 272-7163. The examiner can normally be reached on Monday-Friday, 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on (571) 272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHO  
6/29/2005



Timothy S. Thorpe  
Supervisory Patent Examiner  
Group 3700